

## § 483.1

## 42 CFR Ch. IV (10–1–18 Edition)

### Subpart H [Reserved]

### Subpart I—Conditions of Participation for Intermediate Care Facilities for Individuals with Intellectual Disabilities

- 483.400 Basis and purpose.
- 483.405 Relationship to other HHS regulations.
- 483.410 Condition of participation: Governing body and management.
- 483.420 Condition of participation: Client protections.
- 483.430 Condition of participation: Facility staffing.
- 483.440 Condition of participation: Active treatment services.
- 483.450 Condition of participation: Client behavior and facility practices.
- 483.460 Condition of participation: Health care services.
- 483.470 Condition of participation: Physical environment.
- 483.475 Condition of participation: Emergency preparedness.
- 483.480 Condition of participation: Dietetic services.

AUTHORITY: Secs. 1102, 1128I, 1819, 1871 and 1919 of the Social Security Act (42 U.S.C. 1302, 1320a-7, 1395i, 1395hh and 1396r).

### Subpart A [Reserved]

### Subpart B—Requirements for Long Term Care Facilities

SOURCE: 54 FR 5359, Feb. 2, 1989, unless otherwise noted.

#### § 483.1 Basis and scope.

(a) *Statutory basis.* (1) Sections 1819(a), (b), (c), (d), and (f) of the Act provide that—

(i) Skilled nursing facilities participating in Medicare must meet certain specified requirements; and

(ii) The Secretary may impose additional requirements (see section 1819(d)(4)(B)) if they are necessary for the health and safety of individuals to whom services are furnished in the facilities.

(2) Section 1861(l) of the Act requires the facility to have in effect a transfer agreement with a hospital.

(3) Sections 1919(a), (b), (c), (d), and (f) of the Act provide that nursing facilities participating in Medicaid must meet certain specific requirements.

(4) Sections 1128I(b) and (c) require that—

(i) Skilled nursing facilities or nursing facility have in operation a compliance and ethics program that is effective in preventing and detecting criminal, civil, and administrative violations.

(ii) The Secretary establish and implement a quality assurance and performance improvement program for facilities, including multi-unit chains of facilities.

(5) Section 1150B establishes requirements for reporting to law enforcement crimes occurring in federally funded LTC facilities.

(b) *Scope.* The provisions of this part contain the requirements that an institution must meet in order to qualify to participate as a Skilled Nursing Facility in the Medicare program, and as a nursing facility in the Medicaid program. They serve as the basis for survey activities for the purpose of determining whether a facility meets the requirements for participation in Medicare and Medicaid.

[56 FR 48867, Sept. 26, 1991, as amended at 57 FR 43924, Sept. 23, 1992; 60 FR 50443, Sept. 29, 1995; 81 FR 68848, Oct. 4, 2016]

#### § 483.5 Definitions.

As used in this subpart, the following definitions apply:

*Abuse.* Abuse is the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish. Abuse also includes the deprivation by an individual, including a caretaker, of goods or services that are necessary to attain or maintain physical, mental, and psychosocial well-being. Instances of abuse of all residents, irrespective of any mental or physical condition, cause physical harm, pain or mental anguish. It includes verbal abuse, sexual abuse, physical abuse, and mental abuse including abuse facilitated or enabled through the use of technology. *Willful*, as used in this definition of abuse, means the individual must have acted deliberately, not that the individual must have intended to inflict injury or harm.

*Adverse event.* An adverse event is an untoward, undesirable, and usually unanticipated event that causes death or serious injury, or the risk thereof.